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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,258	06/04/1999	Damion L. Hankejh	SESSIO.P01	3976

7590 08/15/2003
Patrick M Dwyer PC
1818 Westlake Avenue N
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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/15/2003

31

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/326,258

Applicant(s)

Hankejh et al

Examiner

Viet Vu

Art Unit

2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 1, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Serial No. 09/326,258

DETAILED ACTION

Art Rejections:

1. The text of 35 USC 102(e) not cited here can be found in the previous office action.

2. Claims 1-2 and 4 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Sanderman et al, U.S. pat. No. 5,794,006.

Per claim 1, Sanderman discloses a network browser capable of providing chat function comprising:

a) an application for providing a graphical interface for exploring the network including at least one network site (see col 2, lines 2-10),

b) a chat service module, responsive to user's click on a hyperlink icon representing a network node, for enabling user to access an interactive chat session (col 7, lines 1-23).

Per claims 2 and 4, Sanderman teaches enabling online provider/vendor to offer products or services on the Internet (see col 1, lines 47-65).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanderman in view of Anupam et al, U.S. pat. No. 5,862,330.

Sanderman's teachings are still applied as discussed above. Sanderman does not teach maintaining chat sessions. Anupam discloses a system and method for using conventional web browser to perform chat function and collaborative web browsing comprising:

a) a Java-enabled browser for enabling a user (U-2, fig. 1) browsing/logging to a web site (100, fig. 1) for privately chatting with a customer service agent (U-1, fig. 1) (see Anupam's col 2, lines 19-38 and col 5, lines 21-35),

Serial No. 09/326,258

b) a collaboration session service (107, fig. 1), responsive to user's entering an address or clicking on a special (predetermined) hyperlink address (URL) for requesting a public or private chat session at the web site, for obviously queuing or holding the user's request while performing the following steps:

i) distributing necessary JAVA applets to user's browser for enabling interactive chat session (see Anupam's col 2, line 39 - col 3, line 32 and col 5, lines 21-35),

ii) inquiring user information (203, fig. 2A),

iii) validating the requested session, i.e., checking identity and availability for the chat session (308, fig. 2B),

iv) connecting the user to the session (312, fig. 2B) (see Anupam's col 3, lines 44-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sanderman with Anupam's teaching because it would have enabled multiple chats and collaborative web browsing using conventional web browsers.

Anupam does not explicitly disclose the steps of notifying the agent user's request and allowing the agent to accept the request before connecting the user to the agent for a private chat session. It would have been obvious to one skilled in the art that in particular private chat sessions such as sales, customer services,

Serial No. 09/326,258

etc., the agent would have been required to acknowledge or accept user's request before the session can be started (see Anupam's col 5, lines 21-35).

It is also noted that in the conventional browser, hyperlinks can be represented by many different formats including texts, images, buttons or icons, e.g., HOME, FAVORITE buttons.

Response to Amendment:

6. Applicant's arguments filed on 8/1/03 with respect to claims 1-7 are not deemed persuasive.

Per claims 1-2 and 4, applicant alleges that Sanderman does not teach a browser-leading chat application capable of performing collaborative web browsing.

This is not found persuasive. As evidenced by applicant's declarations, prior to July 1996, the only inventive feature that was reasonably conceived is a rudimentary incorporation of a chat function into a web browser. The alleged collaborative web browsing function of the browser-leading chat application would require more advanced session management, e.g., iSession, which was not conceived until early 1998 as shown by the Declarations. Therefore with respect to claims 1-2 and 4 and the evidences presented in this case, it is unjust to read too much into the term "browser leading function". It is submitted that the alleged "browser

Serial No. 09/326,258

leading function" would not be construed more than a normal browsing function of a conventional web browser.

Per claims 3 and 5-7, applicant alleges that Anupam does not teach all the recited steps in the claims.

It is noted that the rejection has been revised to address applicant's concern. It is again submitted that Anupam discloses or suggests all alleged steps required in claims 3 and 5-7 as discussed in item 5 above.

Conclusion:

7. Applicant's amendment necessitated the new grounds of rejection, i.e., Declarations and new claims 4-7. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu

Serial No. 09/326,258

whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
8/14/03